

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 2:08CR87-P-S**

**JOHN FRANKLIN STAPLETON**

**ORDER**

This cause is before the Court on defendant Stapleton's Motion for Continuance [23]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for February 23, 2009. Stapleton's counsel seeks a continuance in order to complete additional investigation and to review possible defenses relating to material received from defendant's medical providers. Defense counsel anticipates the filing of several pretrial motions, as well as the production of reciprocal discovery. The government does not oppose the requested continuance. Based on the foregoing, the Court finds that the motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from February 23, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant additional time to investigate and prepare a defense to the charges at issue. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [23] is GRANTED;
2. That the trial of this matter is continued until Monday, April 20, 2009 at 9:00 a.m.  
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from February 23, 2009 until April 20, 2009 is excluded as set out  
above;
4. That the deadline for filing pretrial motions is March 30, 2009;
5. That the deadline for submitting a plea agreement is April 6, 2009.

SO ORDERED, this the 3<sup>rd</sup> day of February, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE